

**SB1728**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB1728**

Introduced 2/5/2025, by Sen. Mike Simmons

**SYNOPSIS AS INTRODUCED:**

775 ILCS 5/3-102  
775 ILCS 5/3-106

from Ch. 68, par. 3-102  
from Ch. 68, par. 3-106

Amends the Illinois Human Rights Act. Makes it a violation of the Real Estate Transactions Article of the Act to unlawfully discriminate using credit score and history, including insufficient credit history. Limits these provisions to landlord and tenant agreements only.

LRB104 09304 JRC 19362 b

**A BILL FOR**

1           AN ACT concerning property.

2           **Be it enacted by the People of the State of Illinois,**  
3           **represented in the General Assembly:**

4           Section 5. The Illinois Human Rights Act is amended by  
5           changing Sections 3-102 and 3-106 as follows:

6           (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

7           Sec. 3-102. Civil rights violations; real estate  
8           transactions and other prohibited acts. It is a civil rights  
9           violation for an owner or any other person, or for a real  
10           estate broker or salesman, because of unlawful discrimination,  
11           familial status, immigration status, source of income, credit  
12           score and history including insufficient credit history, or an  
13           arrest record, as defined under subsection (B-5) of Section  
14           1-103, to:

15           (A) Transactions. Refuse to engage in a real estate  
16           transaction or deny real property, or to discriminate in  
17           making available such a transaction;

18           (B) Terms. Alter the terms, conditions or privileges  
19           of a real estate transaction or in the furnishing of  
20           facilities or services in connection therewith;

21           (C) Offers. Refuse to receive or to fail to transmit a  
22           bona fide offer in a real estate transaction from a  
23           person;

(D) Negotiation. Refuse to negotiate a real estate transaction with a person;

(E) Representations. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to the person's attention, or to refuse to permit the person to inspect real property;

(F) Publication of Intent. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or unlawful discrimination based on familial status, immigration status, source of income, or an arrest record, or an intention to make any such preference, limitation, or discrimination;

(G) Listings. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status, immigration status, source of income, or an arrest record in a real estate transaction is intended.

(H) Criteria. Use criteria or methods that have the effect of subjecting individuals to unlawful

1 discrimination or discrimination based on familial status,  
2 immigration status, source of income, or an arrest record  
3 in a real estate transaction. Such criteria or methods are  
4 unlawful under this subsection if they are not necessary  
5 to achieve a substantial, legitimate, non-discriminatory  
6 interest; or if the substantial, legitimate,  
7 non-discriminatory interest could be served by another  
8 practice that has a less discriminatory effect.

9 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;  
10 103-859, eff. 1-1-25.)

11 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

12 Sec. 3-106. Exemptions. Nothing contained in Section 3-102  
13 shall prohibit:

14 (A) Private Sales of Single Family Homes.

15 (1) Any sale of a single family home by its owner so  
16 long as the following criteria are met:

17 (a) The owner does not own or have a beneficial  
18 interest in more than 3 single family homes at the time  
19 of the sale;

20 (b) The owner or a member of the owner's family was  
21 the last current resident of the home;

22 (c) The home is sold without the use in any manner  
23 of the sales or rental facilities or services of any  
24 real estate broker or salesman, or of any employee or  
25 agent of any real estate broker or salesman;

(d) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of paragraph (F) of Section 3-102.

(2) This exemption does not apply to paragraph (F) of Section 3-102.

(B) Apartments. Rental of a housing accommodation in a building which contains housing accommodations for not more than 4 families living independently of each other, if the owner resides in one of the housing accommodations. This exemption does not apply to paragraph (F) of Section 3-102.

(C) Private Rooms. Rental of a room or rooms in a private home by an owner if the owner or a member of the owner's family resides therein or, while absent for a period of not more than 12 months, if the owner or a member of the owner's family intends to return to reside therein. This exemption does not apply to paragraph (F) of Section 3-102.

(D) Reasonable local, State, or federal ~~Federal~~ restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(E) Religious Organizations. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than a commercial

1 purpose to persons of the same religion, or from giving  
2 preference to such persons, unless membership in such religion  
3 is restricted on account of race, color, or national origin.

4 (F) Sex. Restricting the rental of rooms in a housing  
5 accommodation to persons of one sex.

6 (G) Persons Convicted of Drug-Related Offenses. Conduct  
7 against a person because such person has been convicted by any  
8 court of competent jurisdiction of the illegal manufacture or  
9 distribution of a controlled substance as defined in Section  
10 102 of the federal Controlled Substances Act (21 U.S.C. 802).

11 (H) Persons engaged in the business of furnishing  
12 appraisals of real property from taking into consideration  
13 factors other than those based on unlawful discrimination or  
14 familial status or source of income in furnishing appraisals.

15 (H-1) The owner of an owner-occupied residential building  
16 with 4 or fewer units (including the unit in which the owner  
17 resides) from making decisions regarding whether to rent to a  
18 person based upon that person's sexual orientation.

19 (I) Housing for Older Persons. No provision in this  
20 Article regarding familial status shall apply with respect to  
21 housing for older persons.

22 (1) As used in this Section, "housing for older  
23 persons" means housing:

24 (a) provided under any State or federal ~~Federal~~  
25 program that the Department determines is specifically  
26 designed and operated to assist elderly persons (as

1                   defined in the State or federal ~~Federal~~ program); or

2                   (b) intended for, and solely occupied by, persons

3                   62 years of age or older; or

4                   (c) intended and operated for occupancy by persons

5                   55 years of age or older and:

6                   (i) at least 80% of the occupied units are

7                   occupied by at least one person who is 55 years of

8                   age or older;

9                   (ii) the housing facility or community

10                  publishes and adheres to policies and procedures

11                  that demonstrate the intent required under this

12                  subparagraph subdivision (c); and

13                  (iii) the housing facility or community

14                  complies with rules adopted by the Department for

15                  verification of occupancy, which shall:

16                  (aa) provide for verification by reliable

17                  surveys and affidavits; and

18                  (bb) include examples of the types of

19                  policies and procedures relevant to a

20                  determination of compliance with the

21                  requirement of clause (ii).

22                  These surveys and affidavits shall be admissible in

23                  administrative and judicial proceedings for the purposes

24                  of such verification.

25                  (2) Housing shall not fail to meet the requirements

26                  for housing for older persons by reason of:

(a) persons residing in such housing as of the effective date of this amendatory Act of 1989 who do not meet the age requirements of subparagraph subsections (1) (b) or (c); provided, that new occupants of such housing meet the age requirements of subparagraph subsections (1) (b) or (c) of this subsection; or

(b) unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subparagraph subsections (1) (b) or (c) of this subsection.

(3) (a) A person shall not be held personally liable for monetary damages for a violation of this Article if the person reasonably relied, in good faith, on the application of the exemption under this subsection (I) relating to housing for older persons.

(b) For the purposes of this paragraph item (3), a person may show good faith reliance on the application of the exemption only by showing that:

(i) the person has no actual knowledge that the facility or community is not, or will not be, eligible for the exemption; and

(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for the exemption.

(J) Child Sex Offender Refusal to Rent. Refusal of a child

1 sex offender who owns and resides at residential real estate  
2 to rent any residential unit within the same building in which  
3 the child sex offender resides to a person who is the parent or  
4 guardian of a child or children under 18 years of age.

5 (K) Arrest Records. Inquiry into or the use of an arrest  
6 record if the inquiry or use is otherwise authorized by State  
7 or federal law.

8 (L) Financial Institutions. A financial institution as  
9 defined in Article 4 from considering source of income or  
10 immigration status in a real estate transaction in compliance  
11 with State or federal law.

12 (M) Immigration Status. Inquiry into or the use of  
13 immigration status if the inquiry or use is in compliance with  
14 State or federal law.

15 (N) Credit Reports. The consideration and use of credit  
16 scores and credit history including insufficient credit  
17 history is prohibited only for landlord and tenant agreements.

18 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;  
19 revised 7-24-24.)